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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

CONNIE COMPTON,
Plaintiff,
v.
AMAZON.COM, INC., a foreign business
corporation, J.W. LOGISTICS, LLC, a
foreign business corporation, and JOHN
DOES 1-10,
Defendants.

Case No.

**COMPLAINT
Personal Injury Action (28 U.S.C.
§1332)**

DEMAND FOR JURY TRIAL

Complaint for Damages

1. Plaintiff alleges as follows:

2. This is an action for recovery of compensatory economic and noneconomic damages suffered by Plaintiff as a result of the negligent acts performed by Defendants, their agents and/or employees.

Jurisdiction, Venue and Parties

3. This court has subject matter jurisdiction pursuant to 28 U.S.C. §1332(a) because this is a civil action where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs, and is between citizens of different States.

4. Venue is properly set in this District pursuant to 28 U.S.C. §1391(b)(2) since Defendants transact and/or conduct business within this judicial district, and because a substantial part of the events giving rise to the claim occurred within this judicial district.

5. This Court has personal jurisdiction over Defendants pursuant to and consistent with the Constitutional requirements of Due Process in that Defendants, acting through their employees, agents, or subcontractors, committed one or more of the negligent acts alleged herein during the course of performing and transacting business within the State of Oregon, and by commission of tortious acts within the State of Oregon.

6. Plaintiff is an individual residing in Lane County, Oregon.

7. Defendant Amazon.com, Inc. is a foreign corporation, organized in Delaware, with its principal place of business in Washington. Defendant Amazon.com, Inc. operates or owns numerous subsidiaries and business entities, and may be owned by a parent company; the involvement of any parent company or subsidiary in this matter is unknown to Plaintiff. Plaintiff is aware of no fact regarding the location of Amazon.com, Inc., nor the location or involvement of other Amazon entities, which would destroy diversity. “Amazon”, as used hereinafter, is meant to refer to Amazon.com, Inc. and/or its subsidiaries and parent companies to the extent they existed

and were involved with the incident which is the subject matter of this Complaint. Amazon transacts business, markets merchandise, and delivers products in Oregon. Amazon's transfer of merchandise, in the negligent manner alleged herein, to the United States Postal Service office at its location at 255 River Avenue, Eugene, Lane County, Oregon gave rise to this claim.

8. Defendant J.W. Logistics, LLC is a foreign corporation, organized in Delaware, with its principal place of business in Texas. Based on information provided by the U.S. Postal Service, Defendant J.W. Logistics, LLC, at the time of the incident described herein, was the only carrier and/or logistics service, contracted with Defendant Amazon to conduct, handle and/or manage Amazon deliveries made to the United States Postal Service office located at 255 River Avenue, Eugene, Lane County, Oregon.

9. John Does 1-10 are subsidiaries, parent companies, subcontractors, employees and/or agents of Defendant Amazon.com, Inc. and/or Defendant J.W. Logistics, LLC, or both.

Statement of Claim

10. Plaintiff repeats and realleges each and every allegation in paragraphs 1-9 of this Complaint as if fully set forth.

11. On or about April 29, 2019, Plaintiff was working at the United States Postal Service office located at 255 River Avenue, Eugene, Oregon. At approximately 5:30 a.m., on the aforementioned date, Plaintiff was receiving and handling the transfer of the Amazon delivery and was standing on the loading ramp which joins the dock to the delivery truck when the delivery driver pulled the truck away from the loading ramp and dock. At the time the Amazon delivery driver pulled the truck away from the dock, the loading ramp was still engaged between the dock and the truck, and the cargo door of the truck was still open.

12. As a result of the Amazon delivery driver pulling the truck away from the dock with the loading ramp still joined to the delivery truck, the loading ramp collapsed while Plaintiff was on it, causing her to fall to the ground. The fall and impact resulted in injury to Plaintiff.

13. Standard operating procedure and practice for use of the loading ramp is for the truck driver to engage and disengage the loading ramp. Postal employees do not perform this operation. The Amazon delivery driver engaged the loading ramp on the date of the accident described herein; he did not perform the necessary disengagement of the loading ramp before pulling the truck away from the dock.

14. The Amazon delivery driver, whose actions are described herein, was an agent, employee, and/or subcontractor of Defendant Amazon and/or Defendant J.W. Logistics, LLC, or both.

Cause of Action – Negligence

Against All Defendants

15. Plaintiff repeats and realleges each and every allegation in paragraphs 1-14 of this Complaint as if fully set forth.

16. The injuries and damages suffered by Plaintiff were caused by the negligence of the Amazon delivery driver's actions in one or more of the following particulars, each of which either alone or in concert, created a foreseeable and unreasonable risk of harm to Plaintiff:

- (a) In pulling the delivery truck away from the loading dock while the loading ramp was still connected and engaged;
- (b) In failing to disengage the loading ramp before leaving the dock;
- (c) In failing to warn Plaintiff that the delivery driver intended to pull the truck away from the dock;
- (d) In failing to take reasonable precautions to ensure that no persons, namely

Plaintiff, was not standing on or near the loading ramp before pulling the delivery truck away from the dock;

(e) In failing to give any reasonable indication that the driver intended to move the truck in that, at the time he pulled the truck from the dock, he left the cargo door open, he left the ramp engaged, he did not inform Plaintiff that he was pulling away, and he left his pallet jack in the loading bay; and,

(f) In failing to observe standard procedures for operation of the loading ramp.

17. Plaintiff's injuries required medical treatment, surgery, and therapy. Plaintiff has suffered permanent impairment and limitations from her injuries. As a result of the injuries suffered by Plaintiff, she has incurred in excess of \$161,000.00 in medical costs, and \$100,000.00 in wage loss. Plaintiff will incur future medical costs and, due to permanent impairment, future earnings losses. Plaintiff's future economic damages exceed \$350,000.00. Plaintiff's incurred and future economic damages combined exceed \$611,000.00; the specific total amount will be determined at trial.

18. As a result of the injuries, Plaintiff will and has incurred pain, suffering, discomfort and interference with normal life activities all to her non-economic damage in an amount to be determined at trial by the jury; for purposes of pleading Plaintiff demands \$2,500,000.00.

Jury Trial

19. Plaintiff requests jury trial.

Prayer for Relief

20. WHEREFORE, Plaintiff respectfully requests judgment against Defendants for:

- (a) Economic damages in an amount to be determined at trial;
- (b) Noneconomic damages in an amount to be determined at trial;

- (c) Pre and Post Judgment interest on all damages as allowed by law; and,
- (d) Such other relief as the Court deems just and proper.

DATED: March 4, 2021.

Respectfully submitted,

JACKSON JONES LLC

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